

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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NFN HOUSEY,

Plaintiff,

- v -

PORT AUTHORITY OF N.Y. AND N.J., et al.,

Defendants.
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ORDER

CV-03-3929 (ILG)(VVP)

The defendants have sought judicial intervention regarding several matters by letter dated September 21, 2005, to which the plaintiff has responded by letter dated September 22, 2005.

The plaintiff having consented, the defendant's request to amend the pretrial order to add Police Officer Michael Gibbons as a witness is granted.

As to the request for copies of the plaintiff's exhibits, all parties are directed to mark their exhibits with the designations they will bear at trial within ten days. Thereafter, the parties shall make all exhibits so marked available for inspection and copying by their adversaries. No exhibits are to be offered in evidence unless they have been marked and made available in compliance with this order.

The plaintiff must appear for an examination by the defendants' expert in Brooklyn. As a party it is his obligation to appear at reasonable places and times for pretrial and trial proceedings. Although the court understands that this may pose a hardship given the plaintiff's physical condition, he will obviously have to overcome the hardship to attend trial in Brooklyn. Attendance at a medical examination by the defendants' expert is no less important, and the defendants are under no obligation to forego the expert of their choice simply to accommodate

the plaintiff's infirmities.

As to authorizations for medical records, discovery has long since been closed. The defendants' failure to raise this matter during the extended time provided for discovery forecloses their application now and it is therefore denied.

SO ORDERED:

Viktor V. Pohorelsky

VIKTOR V. POHORELSKY
United States Magistrate Judge

Dated: Brooklyn, New York
September 23, 2005